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MEMORANDUM FOR: The Director

SUBJECT: Intelligence Testimony Before Congressional Committees

The Senate and House Armed Services Committees are the parent committees of CIA and each has established small subcommittees with jurisdiction over Agency activities. The Director of Central Intelligence appears before these subcommittees each year to brief them on Agency operations, to discuss Agency problems, and to describe major budget items. All authorizing legislation requested by the Agency is also handled through these committees.

The Director of Central Intelligence also appears before subcommittees of the Senate and House Appropriations Committees, and describes to them in detail the annual budgetary requirements of the Agency. In this process, these subcommittees are also briefed quite fully on Agency operations. Extraordinary fund requirements, such as those for the new CIA building, are also heard by Appropriations subcommittees, although the Congressional representation at these hearings is likely to be larger than at hearings which deal with the operating budget.

In addition to the above, the Director of Central Intelligence appears at least once every session before the Joint Committee on Atomic Energy, or a subcommittee thereof, and briefs them on atomic developments within the Soviet Union. This procedure was established many years ago, shortly after the Joint Committee was created, and the regular briefings are held to matters which are properly within the jurisdiction of the Joint Committee. CIA witnesses also appear before various other Congressional committees on special matters. For example, we have been called upon to furnish confidential data to subcommittees on Post Office & Civil Service on our personnel, to subcommittees of Government Operations on our property holdings, to the Senate Internal Security Subcommittee of Judiciary on matters such as the Tuapse defectors, etc.

Apart from hearings where matters of an unclassified nature are considered, such as the appropriation request for the new building, CIA witnesses to date have never appeared in open hearings before Congressional

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committees to give intelligence briefings. Up to now, such briefings have not only been given in Executive Session, but in most cases no written transcripts have been made, and in no case has there been any public release of testimony, even with security items deleted.

All aspects of this problem were raised recently as a result of testimony by the Director of Central Intelligence and by other members of the intelligence community before the Symington Air Force Subcommittee of the Senate Armed Services Committee. The Director of Central Intelligence and his associates appeared before this subcommittee during three three-hour Executive Sessions. They briefed the committee fully and frankly on Soviet air strength, and responded to numerous questions on the subject. A transcript was made of this testimony, and the Committee indicated a desire to release as much as possible of it to the public. The transcript of the hearings was edited for security and returned to the committee, but with a request from the Director of Central Intelligence that none of the substance of the unclassified testimony be released as attributed to any of the intelligence community witnesses who had appeared.

The considerations behind the decision of the Director of Central Intelligence to refuse to release any of this testimony were as follows:

a. The attributed release of the Intelligence Community testimony would impair relations with friendly foreign intelligence services, and might well result in a drying up of valuable sources.

b. A precedent would have been established before the Congress which would be difficult, if not impossible, to control. If one Congressional committee is able to publish testimony by Intelligence Community witnesses, there is no reason why other Congressional committees cannot expect a similar privilege. Many committees, such as Government Operations, Foreign Affairs and Foreign Relations, Judiciary, etc., have been waiting for an excuse and a justification to call on the Director of Central Intelligence for a briefing on any matters they happen to be interested in, such as the situation in a given country, [redacted] psychological warfare activities, etc.

c. Intelligence officers of the Government cannot do their job properly if they are under the constant threat of having to appear before Congressional committees and to assume that the substance of information they give those committees will be disclosed to the public. Apart

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from the obvious security problem, there is an important psychological problem created within the intelligence community if responsible officers cannot assume that their analyses and evaluations in the estimating process might be subject to scrutiny outside of the community. This latter problem relates not only to the public testimony before Congressional committees, but also to the problem of the disclosure of National Estimates or other working papers to individuals outside of the departments of the Government who have a need to know the content of such documents.

/s/ Norman S. Paul

Norman S. Paul
Legislative Counsel

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